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Patent
Docket No.: 117-P-1062USD1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shane M. KELTON, Tina O.
OUTLAW and Terry J. KLOS

Serial No.: 09/893,223
Filed: June 27, 2001
Title: TILE FLOOR (as amended)

Group Art Unit: 1774
Confirmation Number: 5643
Examiner: Tamra Dicus

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8:

I hereby certify that this correspondence is being sent by facsimile to the telephone number shown below, addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the below indicated date:

Facsimile Number: 571-273-8300

Date: August 2, 2005

By


Lynelle K. Grube

**PETITION UNDER 37 C.F.R. §1.78(a)(3) TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION**

Mail Stop: Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This Petition is being filed in connection with the accompanying Amendment. The Amendment adds to page 1 of the specification, in the manner required by 35 U.S.C. §120, a reference to Application Serial No. 08/382,293 filed February 1, 1995. The '293 application was filed two days before Application Serial No. 08/382,906 (parent to the present application) and was copending with the '906 application from the February 3, 1995 '906

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USSN: 09/893,223Attorney Docket No.: 117-P-1062USD1

application filing date until January 15, 1997 when the '293 application was abandoned in favor of File Wrapper Continuing Application Serial No. 08/749,076. The '076 application is now U.S. Patent No. 5,797,986 (Rolando et al.).

The '293 application, the '906 application, the '076 application and the present application include Terry J. Klos as a common inventor.

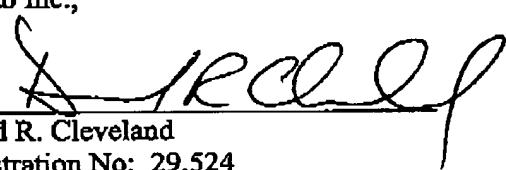
The present application is subject to the time limits of 37 C.F.R. §1.78(a)(2)(ii) and a priority claim to the '293 application would ordinarily have to have been submitted within four months after the present application's June 27, 2001 filing date, viz., by October 27, 2001. The entire delay between the date a priority claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date this claim is being filed was unintentional.

Please charge the cost (believed to be \$1,370.00) under 37 C.F.R. §1.17(t) for this Petition to Deposit Account No. 50-0545.

The Petitions Examiner is requested to telephone the undersigned attorney at the number shown below if there are any questions concerning this Petition or if any further information is needed.

Date: August 2, 2005

Respectfully submitted on behalf of
Ecolab Inc.,



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